

HOUSE BILL NO. 605

INTRODUCED BY G. GUTSCHE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A STATE PARKS MAINTENANCE PERMANENT TRUST ACCOUNT; FUNDING THE ACCOUNT FROM A PORTION OF THE FEE COLLECTED FOR STATE PARKS AND FISHING ACCESS SITES UPON VEHICLE REGISTRATION; ESTABLISHING THE TERMS AND CONDITIONS FOR EXPENDITURE OF INTEREST FROM THE STATE PARKS MAINTENANCE PERMANENT TRUST ACCOUNT AFTER THE ACCOUNT REACHES \$10 MILLION; PROVIDING THAT A PORTION OF THE FEE COLLECTED FOR STATE PARKS AND FISHING ACCESS SITES UPON VEHICLE REGISTRATION BE USED FOR THE IMMEDIATE REDUCTION OR ELIMINATION OF RESIDENT FEES FOR BASIC CAMPING IN STATE PARKS AND FISHING ACCESS SITES; AMENDING SECTIONS 15-1-122, 23-1-105, AND 61-3-321, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. State parks maintenance permanent trust created -- use of trust fund interest. (1) There is a state parks maintenance permanent trust account in the permanent fund type. The account must be funded by \$1 of the fee collected for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), until the principal in the account reaches \$10 million.

(2) The principal in the account may not be expended, and interest earned on the account must be deposited in the account until the principal reaches \$10 million. Once the principal reaches \$10 million, interest earned on the account must be expended by the department for maintenance of state parks and fishing access sites and to reduce or eliminate resident fees for basic camping in state parks and fishing access sites.

Section 2. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

1 ~~(a)~~ \$75,000 in fiscal year 2003;
2 ~~(b)~~(a) \$0 in fiscal years 2004 and 2005;
3 ~~(c)~~(b) \$3,050,205 in fiscal year 2006; and
4 ~~(d)~~(c) in each succeeding fiscal year, the amount in subsection ~~(2)~~(e) ~~(2)~~(b), increased by 1.5% in each
5 succeeding fiscal year.

6 (3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or
7 recipients indicated the following amounts:

8 (a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

9 (i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for
10 which a fee is paid pursuant to 61-3-203; and

11 (ii) \$1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant
12 to Title 61, chapter 3, part 3, and \$5 for each permanently registered light vehicle. Fifteen cents of each dollar
13 must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year
14 following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned
15 vehicle removal reimbursement during the calendar year following its payment must be used as provided in
16 75-10-532.

17 (b) to the noxious weed state special revenue account provided for in 80-7-816:

18 (i) \$1 in fiscal year 2006 and, in each subsequent year, \$2.75 for each off-highway vehicle for which
19 the fee in lieu of tax is paid, as provided for in 23-2-803; and

20 (ii) for vehicles registered or reregistered pursuant to 61-3-321:

21 (A) \$1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle
22 weighing more than 1 ton, and motor home; and

23 (B) \$1.50 in fiscal year 2006 and, in each subsequent year, \$3.65 for each motorcycle and quadricycle;
24 and

25 (C) \$7.50 for each permanently registered light vehicle;

26 (c) to the department of fish, wildlife, and parks:

27 (i) \$2.50 in fiscal year 2006 and, in each subsequent year, \$14.50 for each motorboat, sailboat, or
28 personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be
29 used to acquire and maintain pumpout equipment and other boat facilities;

30 (ii) \$5 in fiscal year 2006 and, in each subsequent year, \$19 for each snowmobile registered under

23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;

(iv) \$5 in fiscal year 2006 and, in each subsequent year, \$13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 in fiscal year 2006 and, in each subsequent year, \$8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; and

(vii) to the state special revenue fund established in 23-1-105, \$4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with ~~\$3.50~~ \$2 of the money used for state parks, 25 cents used for fishing access sites, ~~and~~ 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City, \$1 to be deposited in the state parks maintenance permanent trust account created in [section 1] for the purposes and subject to the provisions of [section 1], and 50 cents to be deposited in the state parks miscellaneous fund and used for the immediate reduction or elimination of resident fees for basic camping in state parks and fishing access sites as described in 23-1-105;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate subject to the fee in 61-3-459;

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:

(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;

(f) 25 cents a year for each registered vehicle and \$1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and

persons with disabilities transportation services account provided for in 7-14-112;

(g) to the search and rescue account provided for in 10-3-801:

(i) \$2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;

(ii) \$2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and

(iii) \$2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803; and

(h) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).

(4) For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

Section 3. Section 23-1-105, MCA, is amended to read:

"23-1-105. Fees and charges. (1) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person

1 is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the
2 registered owner.

3 (4) Money received from the collection of fees and charges is not subject to the deposit requirements
4 of 17-6-105. The department shall deposit money collected under this section within a reasonable time after
5 receipt.

6 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing
7 state park visitor services revenue. The fund is to be used by the department to serve the recreating public by
8 providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational,
9 commemorative, and interpretive merchandise and other related goods and services at department sites and
10 facilities. The fund consists of money from the sale of educational, commemorative, and interpretive
11 merchandise and other related goods and services and from donations. Gross revenue from the sale of
12 educational, commemorative, and interpretive merchandise and other related goods and services must be
13 deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for
14 use as provided in this subsection.

15 (6) In recognition of the fact that individuals support state parks through the payment of certain motor
16 vehicle registration fees, persons who pay the fee provided for in 61-3-321(11)(a) may not be required to pay
17 a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as
18 overnight camping fees, are still chargeable and may be collected by the department until resident basic
19 camping fees are reduced or eliminated pursuant to 15-1-122(3)(c)(vii) and [section 1]. The fee for resident basic
20 camping in a state park or fishing access site may not exceed \$5 for each camping site, and the department is
21 encouraged to eliminate resident fees for basic camping in state parks or fishing access sites whenever
22 possible. As used in 15-1-122(3)(c)(vii), [section 1], and this section, "basic camping" means a camping site
23 where a picnic table, fire ring, and sanitation facility, or less, are provided."

24
25 **Section 4.** Section 61-3-321, MCA, is amended to read:

26 **"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees --**
27 **disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
28 registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this
29 chapter, as follows:

30 (a) light vehicles under 2,850 pounds, ~~\$13.75 in calendar year 2004 and, in each subsequent year, \$17;~~

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(c) motor vehicles registered pursuant to 61-3-411 that are:

(i) 2,850 pounds and over, \$10; and

(ii) under 2,850 pounds, \$5;

(d) off-highway vehicles registered pursuant to 23-2-817, \$9 in calendar year 2004 and, in each subsequent year, \$19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, ~~\$18.75 in calendar year 2004 and, in each subsequent year, \$22;~~

(f) logging trucks less than 1 ton, \$23.75;

(g) motor homes, \$22.25;

(h) motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$9.75 in calendar year 2004 and, in each subsequent year, \$11.25.~~ This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(l) recreational vehicles, ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$9.75.~~ If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.

(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.

(3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$5 in calendar year 2004 and, in each subsequent year,~~ \$16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(4) A fee of \$5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.

(5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

(b) The following vehicles are not subject to the fee:

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

(ii) off-highway vehicles registered pursuant to 23-2-817; and

(iii) vehicles bearing license plates described in 61-3-458(3)(d).

(8) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or

1 61-3-335.

2 (9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

3 (10) Except as otherwise provided in this section, revenue collected under this section must be
4 deposited in the state general fund.

5 (11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be
6 collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part,
7 subject to the provisions of [section 1]. The amount of \$1 of the fee must be deposited in the state parks
8 maintenance permanent trust account as provided in [section 1], and the remainder must be deposited in the
9 state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned
10 facilities as provided in 15-1-122(3)(c)(vii).

11 (b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual
12 registration, certify that the person does not intend to use state parks and fishing access sites and may make
13 a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made,
14 the fee may not be collected."

15
16 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an
17 integral part of Title 23, chapter 1, part 1, and the provisions of Title 23, chapter 1, part 1, apply to [section 1].

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19 NEW SECTION. Section 6. Effective date. [This act] is effective January 1, 2006.

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21 NEW SECTION. Section 7. Applicability. [This act] applies to motor vehicle license registration fees
22 collected for state parks and fishing access sites after December 31, 2005.

23 - END -